

COUNTY OF YORK

MEMORANDUM

DATE: August 16, 2001 (BOS Mtg. 9/18/01)

TO: York County Board of Supervisors

FROM: James O. McReynolds, County Administrator

SUBJECT: Application No. UP-577-01, John H. and Jahala R. Maguire

ISSUE

This application requests a special use permit, pursuant to Section 24.1-407(c) of the York County Zoning Ordinance, to authorize an approximately 1100-square-foot attached accessory apartment in conjunction with a single-family detached dwelling currently under construction on property located at 104 Rileys Place and further identified as Assessor's Parcel No. 3-(16)-A.

DESCRIPTION

- Property Owner: John H. and Jahala R. Maguire
- Location: 104 Rileys Place
- Area: 10.5 acres
- Frontage: Approximately 250 feet
- Utilities: Private well and septic will serve the site.
- Topography: Wooded with steep slopes
- 2015 Land Use Map Designation: Low-Density Residential
- Zoning Classification: RR – Rural Residential
- Existing Development: Single-family dwelling (under construction)
- Surrounding Development:
 - North: Single-family dwelling; Carters Neck Road beyond
 - East: Vacant parcel
 - South: Camp Peary
 - West: Vacant parcel

Proposed Development: Attached accessory apartment for mother-in-law

CONSIDERATIONS/CONCLUSIONS

1. The applicants propose to establish an accessory apartment for Mrs. Maguire's mother. Accessory apartments are permitted as a matter of right in the RR zoning district, but because the proposed size of the accessory apartment exceeds the limits prescribed in Section 24.1-407(c) of the Zoning Ordinance (450 square feet or 25% of the total floor area of the principal dwelling, whichever is less), a special use permit is required.
2. The Comprehensive Plan designates this area for Low Density Single Family Residential use, and the Housing element of the Plan encourages opportunities for accessory dwelling units, particularly for the elderly. The Plan notes that accessory apartments provide an opportunity for the elderly to remain independent while accepting some degree of assistance from family members.
3. Since single-family dwelling construction is permitted by right, the applicant was authorized to begin construction of the primary and accessory dwelling areas with the understanding that prior to the addition of kitchen facilities within the accessory unit, a use permit application must be submitted and approved (kitchen facilities are what typically distinguish an accessory dwelling unit). According to the applicant's building plans, the apartment would include a living room, dining room, kitchen, bathroom, and bedroom on the first floor and a sitting room/storage area on the second floor. The proposed attached accessory apartment includes a separate entrance and is located adjacent to the garage area.
4. The main issue with regard to accessory apartments is their compatibility with and impact on surrounding properties and the neighborhood as a whole. This is why they are permitted as a matter of right when they are small (up to 450 square feet) in all single-family districts except R-13, but only by Special Use Permit in the R-13 district or when larger than 450 square feet in the other residential districts. In this case, the primary residence that is under construction has a floor area of 4,359 square feet; the proposed accessory dwelling has an approximate total floor area of 1100 square feet, which represents approximately 25.2% of the size of the primary residence. Although larger than most of the accessory apartment requests reviewed to date, the proposed size is reasonably proportioned in relation to the size of the principal residence and I believe that the parcel size (10.5 acres) can adequately accommodate an accessory apartment of this size.
5. The parcel is served by a private well and septic system. The subject parcel has a septic drain field approved by the Health Department for a maximum of five bedrooms, which is the number of bedrooms the applicants will have, including the accessory apartment. A condition has been included in the proposed approving resolution limiting the apartment to a single bedroom, and limiting to five (5) the combined number of bedrooms in the principal dwelling and the apartment.
6. Performance standards for accessory apartments are set forth in Section 24.1-407 of the Zoning Ordinance. These limit the maximum number of accessory apartments to one per single-family detached dwelling, require adequate provisions for off-street parking, require occupancy only by family members or guests of the occupant of the principal dwelling, and prohibit the apartment from being rented separate from the principal dwelling. These standards have been included in the proposed approving resolution and, if the application is approved, will be required to be recorded. In addition to these standards, a condition stating that the accessory apartment shall not be serviced by a separate electrical service meter has been included (Condition #8) to discourage future rental of the accessory unit.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission considered this application at its regular meeting on August 8, 2001 and, subsequent to conducting a public hearing at which only the applicant spoke, voted 5:0 (Mr. Hendricks and Ms. White absent) to recommend approval.

COUNTY ADMINISTRATOR RECOMMENDATION

I am of the opinion that the subject parcel can accommodate the proposed accessory apartment with no adverse impacts on adjacent properties or County infrastructure. Therefore, I recommend that the Board approve this application subject to the conditions contained in proposed Resolution No. R01-150.

Carter/3337

Attachments

- Zoning Map
- Narrative (July 23, 2001)
- Plot Plan
- Building Footprint Plan
- Front Elevation
- Proposed Resolution R01-150